

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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KAHOOLAWE ISLAND RESERVE COMMISSION  
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**TESTIMONY OF THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**On House Bill 2247 – Relating To Historic Preservation**

**BEFORE THE HOUSE COMMITTEE ON  
FINANCE**

**February 22, 2008**

House Bill 2247 provides for an additional extension of time to acquire lands that are designated to become part of the South Kona Wilderness Area. The wilderness park designation in South Kona includes portions of the coastal areas within the ahupuaas of Honomalino, Okoe, Kaulanamauna, and Manuka, most of which are State-owned. The Department of Land and Natural Resources (Department) notes that the privately owned lands that are the subject of the bill are located in Kapua, which is situated between Kaulanamauna and Manuka. While the Department appreciates the intent of this measure, the Department nonetheless has doubts on whether a land exchange can be consummated.

On May 30, 2007, the Department met with representatives for the Kapua landowners ("Landowner"). The purpose of this meeting was to identify acceptable public lands for purposes of a land exchange pursuant to Act 59, Session Laws of Hawaii 2003. Following subsequent analysis of Department files, however, the Landowner did not identify any public lands as being acceptable for purposes of a land exchange. Consequently, although the Department supports the designation of the South Kona Wilderness Area, it is unlikely that a land exchange is feasible.

Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 2247 Relating to Historic Preservation  
House Committee on Finance  
Friday, February 22, 2008, 2:15PM, Room 308

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for rare and endangered native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i and also work closely with government agencies and private landowners on cooperative land and marine management projects.*

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The Nature Conservancy of Hawai'i supports H.B. 2247.

The proposed South Kona Wilderness Area will protect important cultural resources as well native dry land forest cover which is becoming increasingly rare throughout the state. The Conservancy looks forward to continuing to work with the State, the landowner, and other interested parties to achieve a successful land acquisition and establishment of this important conservation land area.

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THE  
TRUST  
for  
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**THE TRUST FOR PUBLIC LAND'S TESTIMONY IN SUPPORT OF  
HB 2247 Relating to Historic Preservation  
House Committee on Finance  
Friday, February 22, 2008, 2:15 p.m.  
State Capitol Conference Room 308  
FINtestimony@capitol.hawaii.gov**

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Dear Chairperson Oshiro, Vice Chair Lee and Committee members:

The Trust for Public Land (TPL) supports HB 2247.

TPL is a non-profit organization dedicated to preserving and protecting land for people, whether those lands are important cultural, recreational, ecological or scenic areas that add to our quality of life here in Hawai'i. TPL has successfully protected over 36,000 acres of our best-loved and most-used places throughout the Islands, including Pūpūkea-Paumalū on the North Shore of O'ahu, Wao Kele o Puna on Hawai'i Island, Lumaha'i Beach on Kaua'i, and Mū'olea Point in Hana on Maui.

TPL supports HB 2247 which would extend the window of opportunity for permanent protection of the culturally and naturally rich landscape contained within the South Kona Wilderness Area. HB 2247 preserves the opportunity for that bill to help secure and protect the historic lands at Kapu'a, an area that has been contemplated for preservation as a wilderness area and cultural preserve since the early 1970's by both the local community and the State Parks system. TPL is currently engaged in discussions with one of the owners of the four parcels, Jeff Stone, about the possible acquisition of Kapu'a, and is hopeful that an acquisition could be completed within the time frames of the extension proposed in HB 2247.

Mahalo for the opportunity to testify.

Lea Hong  
Hawaiian Islands Program Director  
The Trust For Public Land

**HAWAII CAPITAL PARTNERS, LLP**  
**SOUTH KONA LLC**  
1100 Alakea Street, Suite 2500  
Honolulu, HI 96813

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair  
Committee on Finance  
Friday, February 22, 2008, 2:15 P.M.

Partial Opposition to HB 2247, Re. Historic Preservation (South Kona wilderness area)

Hawaii Capital Partners, LLP, a Hawaii limited liability partnership (“HCP”), and its affiliate, South Kona LLC, a Hawaii limited liability company (“SK”), own certain lands or interests therein located in Kapua, South Kona, on the Island of Hawaii (“Kapua Property”). Such Kapua Property is, in part, the subject of Act 059, Session Laws of Hawaii 2003 (“Act 59”), which was promulgated on July 1, 2003.

The purpose of Act 59 was to establish the “South Kona wilderness area” on the Big Island and the act authorized the Department of Land and Natural Resources (“DLNR”) to acquire any private lands included in the South Kona wilderness area, including HCP and SK’s Kapua Property, by a “value-for-value exchange of other state lands.” Act 59 stated that it would be repealed on December 31, 2006, if the exchange transactions to acquire the South Kona wilderness area lands were not consummated prior to that date.

By Act 215, Session Laws of Hawaii 2006 (“Act 215”), Act 59 was amended to extend the date of repeal to December 31, 2007, if the lands were not acquired prior to that new date. As of December 31, 2007, the DLNR had failed to acquire the Kapua Property.

H.B. 2247 of the current legislative session proposes to further amend Act 59 to extend the repeal date to December 31, 2009.

Although HCP and SK generally support the reasonable efforts being made by the State, counties and private organizations to preserve important historic and cultural lands, HCP and SK are concerned about the manner in which its Kapua Property would be unfairly affected by H.B. 2247. HCP and SK believe they have worked in good faith with the DLNR and State to come up with a mutually agreeable exchange for the Kapua Property, but after the nearly 5 years since Act 59 became effective there has been no satisfactory resolution. It appears at this time that the State has no comparable exchange property for the Kapua Lands, nor is there any indication that the DLNR will be able or willing to carry out the acquisition of the Kapua Property by December 31, 2009. Furthermore, DLNR has not made any efforts to date to complete the mandated Wilderness Management Plan in South Kona. Aside from the fact that the repeal date has already passed, it would be unfair to further tie up the Kapua Property as provided by H.B. 2247. Consequently, HCP and SK respectfully oppose the inclusion of their interests in the Kapua Property from being included in the scope of H.B. No. 2247.

We respectfully request that you file this bill. Thank you for this opportunity to testify.